IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application No. | : | 10/705,208 | Confirmation No. | : | 2941 |
| Applicants | : | Aaron Joseph MCBRIDE et al. | | | |
| Filed | : | November 10, 2003 | | | |
| Title | : | **Method and System for Programming Virtual Robots Using a Template** | | | |
| Group Art Unit | : | 2129 | | | |
| Examiner | : | Benjamin J. BUSS | | | |
| Customer No. | : | 28289 | | | |

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**DECLARATION UNDER 37 C.F.R. § 1.132**

1. I am a citizen of the United States of America, and a resident of Metuchen, NJ.

2. I am the Chief Technical Officer for Conversive, Inc., the Assignee of the above-identified patent application, and am therefore qualified to speak on the commercial success and industry needs that are met by the claimed invention, as well as the technical merits of the invention and the deficiencies of the prior art.

3. The claimed invention was first commercialized in July of 2003. The Assignee has commercially pursued deployments that incorporate the claimed invention. With respect to enterprise deployments, the Assignee that offered, since as early as 2005 and through the present, implementations containing the claimed invention to various companies including PSEG (a major Northeastern U.S. electric and gas utility company), Qantas Airlines (the leading Australian air carrier), and the University of Phoenix (one of the largest higher educational institutions in the world, enrolling approximately 400,000 students). Currently, the Assignee is in contract negotiations to deploy its product through Sutherland Global Services, a company providing business process outsourcing services to Fortune 500 companies, including Dell. The estimated total sales of products and deployments that incorporate the claimed invention are at least $150,000. The foregoing information is indicative of the commercial success of the claimed invention.

4. Customers appreciate the fact the claimed invention found in the products and deployments allows them to reduce cost while improving their online customer service. For example, PSEG was able to replace a cumbersome manual process whereby contractors specified changes in gas and electric service for construction projects with an automation-assisted online process, reducing errors and increasing their customer

satisfaction. PSEG is currently planning to expand their use of the Conversive products to support other online self-service processes.

5. The publication entitled "The Elements of AIML Style" (hereinafter "the Wallace publication") fails to disclose a "template" and/or a "logic layer", as it is described in the present application and in the context of the claims, and with respect to consistency of meaning of such terms in United States Patent Application Publication No. 2003/0163783 (hereinafter "the Chikirivao publication").

(a) Specifically, as set forth in the present application, the purpose of a template, is a way to create a specific rule or rules, based on a pre-defined form (the template), containing markers for additional information needed to define the rule (signifiers), as provided by the administrator. In the Wallance publication, AIML tags, which are equated by the Examiner with the Applicants' signifiers, serve a very different role, in that they are only activated during the execution of the AIML rules to control the flow of the program defined by those rules. AIML tags are an exclusively run-time control structure. In contrast, the signifiers in the Applicants' templates, are an exclusively compile-time structure, as they are used to construct run-time rules. There is no disclosure in the Wallace publication with respect to a mechanism that would correspond to a compilation of run-time rules from a partially-defined template. Every feature described in the Wallace publication is part of the run-time system. The use of the term "template", which appears in AIML, means something completely different, as it is the term used to describe the form of an output or reply in a rule. Therefore, it is not the case that AIML tags denote places where rules "need information", as an AIML tag denotes a control branch in the execution of the rule, which may cause recursion, output, or even external code execution.

(b) The logic layer of the present invention implements a distinct processing step whereby a specific response can be selected from a set of equivalent responses in a principled manner, which may reference information not present in the user input to the system. Neither the Chikirivao nor Wallace publications show this feature. The Wallace publication describes AIML, however, AIML is a language without the explicit notion of the claimed logic layer, as responses in AIML proceed directly from rule input matching, or recursion on the input matching. It is incorrect to equate the "Graphmaster" of the Wallace publication to the claimed logic layer because the Graphmaster is a representation of the input space matching capabilities of a particular AIML definition set (e.g., A.L.I.C.E.). There is no explicit logic layer in AIML, as the output is determined by the user input and the rules. In the present invention, the matching of an input is only the first step to determining the appropriate response, followed by the processing of the logic layer.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jack Keane
Chief Technology Office for Conversive, Inc.
DATE: August 12, 2008